IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1151 OF 2007

Sittu Singh Triloksingh Ripiyal. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Ganesh Gole, Adv. for the Applicant.
Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 18th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.497 of 2006 of Nashik Road Police Station, Nashik. The said case is under Section 302 of IPC.

3. It is the prosecution case that one Nisha Kardile was sitting in the garden along with her lover Motiram Shinde in front of the building of the deceased. The deceased told them not to sit in the garden as decent people are residing in the said locality. Immediately thereafter at about

9:15 p.m., the said Motiram Shinde accompanied by other accused including the applicant came there. All these persons were armed with various weapons like knife, chain and sticks. Thereafter, all these accused persons started assaulting Santosh. Santosh received 17 injuries in the said incident.

4. Mr.Gole, submitted that the name of the applicant is not mentioned in the FIR and even in further statement of the complainant, the complainant who is an eye witness has not attributed any role to the applicant. However, the learned APP has pointed out that the incident took place on 8.11.2006 and on the very same day the statements of two eye witnesses i.e. Shashikant and one Santosh were recorded wherein they have clearly stated name of the applicant and that he assaulted deceased along with others. It shows that the applicant shared common intention with the other coaccused. Hence, I do not think that this is a fit case to grant bail to the applicant.

5. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)